

REMARKS

Claims 1 – 6, 8 – 10, and 14 – 42 are pending in the application. All claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knotts (U.S. Pub. 2003/0045309 A1) in view of Gunluk (U.S. Pat. No. 5,768,509), Boltz (U.S. Pat. No. 6,311,055 B1) and Carrigan (U.S. Pub. 2005/0117602).

According to the Examiner, Knotts teaches at least a first hardware device located in a first wireless communication network; that the first hardware device is connected to the internet and runs a computer program for receiving and forwarding SMS messages from the internet to the first wireless communication network, and from the first wireless communication network to the internet. Knotts also teaches a second hardware device located in a second wireless communication network; and that the second hardware device is connected to the internet and runs a computer program for receiving and forwarding SMS messages from the internet to the second wireless communication network, and from the second wireless communication network to the internet. Knotts is also said to teach at least one server connected to the internet for receiving an SMS message from a user's SMS device sent to the first hardware device, and from the first hardware device to the server, and for forwarding the SMS message to the second hardware device attached to the second wireless communication network for delivery to a second user's SMS device. Knotts is also said to teach that the second hardware device sends a confirmation message to the server after the intended recipient has received the SMS message; and that the server maintains a database and tables containing predetermined routing and identification information for routing SMS messages to selected SMS recipients.

Knotts is applied to the each and every pending claim to find it invalid for obviousness. Other cited prior art discloses single features found in various claims such that, taken in

combination with Knotts, each claim containing an additional feature is also found to be obvious. The other cited prior art, however, does not disclose the claim elements for which Knotts is cited. Accordingly, if Knotts should be removed or overcome as a reference, the application should be found to be patentable over all other cited prior art of record.

Applicants' Declarations show prior invention

This Response is accompanied by the Declarations of the inventors, Manny Manimtim Gabriel and Leandro Gabriel. The Declaration of Leandro Gabriel supports and substantiates the Declaration and attached exhibits of Manny Gabriel. The Declaration of Manny Gabriel explains, in detail, the steps taken by the inventors in the conception of the invention and development from the time of conception until reduction to practice – in this case, by the successful beta testing of the invention in August, 2001. Thereafter, the inventors worked diligently to refine and perfect the invention up to the date of filing provisional patent application no. 60/419,804 on October 17, 2002.

The Manny Gabriel Declaration includes a number of exhibits containing dates that show when various software programs used in the development of the invention were most recently modified (Exhibits C-1 through C-6). Although the inventors did not maintain simultaneous notes and records of their progress, they were able to refer to a discarded computer that had been used during the period 2001 – 2002, and to locate files on that computer that had been developed during that time frame, and that still had dates upon which the files were last modified. By reference to these files, the inventors are able to corroborate their independent recollections of when the invention was conceived, and the steps that they took in reducing the invention to practice.

Exhibits A and B are portions of software programs written by the inventors and used in the development of the invention. The exhibits also show other kinds of information, such as when the inventors purchased a software program ("IPWorks V8", purchased on June 29, 2001) (Exhibit C-7) for development work on their invention.

The Declaration also provides approximate dates upon which various features of the invention became implemented. For example, in paragraph 3, Manny Gabriel recites that, in April, 2001, the first SMS messages were sent via a server in Guam to an IP server in the Philippines, and thence to a cellular network. By June, 2001, SMS messages were being sent consistently between Gabriel's computer in Guam and cellular networks in the Philippines. Beta testers were being used to send and receive SMS messages from Guam by August, 2001; and, in September, 2001, Guam's first cellular GMS network came on line, allowing the inventors to send and receive SMS messages from cellular phones in Guam. Between January and October, 2002, the inventors continued to work out the programs and algorithms necessary to provide SMS addressing and routing tables on a server. In October, 2002, the provisional patent application from which the instant application is derived, was filed.

The Declaration explains each of the exhibits, and fully establishes that the inventors had conceived the invention at least as early as January, 2001, and had completed the invention to the point of reduction to practice through successful beta testing as early as August, 2001. At that point, the invention was able to send messages from a cellular telephone to a server and from the server to a cellular telephone. From August, 2001 until the filing date of the provisional application in October, 2002, the invention was refined and perfected, and a new cellular network in Guam was also incorporated into the beta testing.

The patent examiner is respectfully requested to find that the invention had been conceived at least as early as January, 2001, and that the invention had been reduced to practice by August, 2001; and, further, that the inventors worked diligently to reduce refine and perfect the invention up to the date of filing their provisional patent application on October 17, 2002.

Applicant believes that the accompanying Declarations overcome the cited prior art to Knotts, and make applicant's invention patentable over the remaining prior art of record, and respectfully requests the Examiner to issue a Notice of Allowability.

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Respectfully submitted,

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